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SEP 11 2003

STATE OF NEW HAMPSHIRE  
Department of Environmental Services  
Water Council

03- 12 WC

USA SPRINGS, INC.  
RE: Application for Large Groundwater Withdrawal Permit  
Under RSA 485C

**USA SPRINGS, INC.'S MOTION TO STAY PROCEEDINGS ON APPEAL**

Now comes USA Springs, Inc. the applicant for a Large Groundwater Withdrawal Permit under the Env-Ws 388 and a bottled water source approval under Env-Ws 389 and states as follows:

1. The applicant this date has filed a Notice of Appeal with the Water Council for denial of the application for approval of a bottled water source under Env-Ws 389 and denial of an extension to further consider. The applicant has also filed a Motion for Rehearing of the denial of an application for a large groundwater withdrawal permit under Env-Ws 388 and denial of an extension to further consider. The appeal procedure under Env-Ws 388 and the authorizing statute RSA 485-C:21 is pursuant to RSA 541 directly to the Supreme Court. Because approval of a bottled water source under Env-Ws 389 is dependent on meeting all the requirements for a large groundwater withdrawal permit under RSA 485-C and Env-Ws 388, the applicant requests that the time periods pursuant to this appeal to the Council be stayed pending the outcome of the proceedings on the Motion for Rehearing before the Department and ensuing proceedings.

WHEREFORE, the applicant respectfully requests the Council:

- a. Stay further proceedings before the Council on this appeal, pending action by the Department of Environmental Service on the Motion for Rehearing on the Large Groundwater Withdrawal Permit and ensuing proceedings;
- b. Grant such other relief as is appropriate.

Respectfully submitted,

USA SPRINGS, INC.

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,  
PROFESSIONAL ASSOCIATION

Date: September 11, 2003

By:

Gregory H. Smith

Claudia C. Damon

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing USA Springs, Inc.'s Motion to Stay Proceedings on Appeal has been forwarded this day, September 11, 2003, by first-class mail, postage prepaid, to Mark Beliveau, Esquire, E. Tupper Kinder, Esquire, Assistant Attorney General Richard Head, Harry Stewart, Director Water Division, and Michael Nolin, Commissioner.

Gregory H. Smith